



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/509,548

09/23/2004

Aweke Negash Lemma

NL 020240

5903

24737

7590

06/30/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

06/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,548	<b>Applicant(s)</b> LEMMa ET AL.	
	<b>Examiner</b> Samson B. Lemma	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 11, 13, 14, 18-24 and 26-31 is/are rejected.
- 7) ☒ Claim(s) 2-9, 12, 15-17 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/25/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### *DETAILED ACTION*

1. This office action is reply to an application filed on September 23, 2004. Claims **1-31** have been examined.

### *Priority*

2. Receipt is acknowledged of papers submitted Under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

3. Claim 29 is objected to under 37 CFR 1.75(c) as being in improper form because claim 29 is a multiple dependent claim. Claim 29 depends on both claim 1 and 24. See MPEP § 608.01(n). Accordingly, claim 29 not been further treated on the merits.  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 29-30 and 23 are rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.

Art Unit: 2132

6. **Claims 29-30** are directed to program/software/set of instructions with out being stored in appropriate computer readable medium.

Thus, the claim does not clearly establish a statutory category of the invention. Therefore the claim is a program per se and does not fall within the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35U.S.C. 101. See MPEP§2106IV. B. 1(a)

7. **Independent claim 23** is directed to a multimedia signal, thus rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Office's current position is that claims involving signals encoded with functional descriptive material do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such claims are therefore ineligible for patent protection.

### *Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1,10,11,13,14,18-24 and 26-31 are rejected under 35 U.S.C. 102(a) as being anticipated by the paper presented at the 110th Convention on May 2001, with Title Robust, Multi-Functional And High Quality Audio WaterMarking Technology , by Michiel Van der Veen (hereinafter referred as **Veen**) (Submitted with IDS)
10. As per independent claims 1, 11, 14, 21 and 23 Veen discloses a method of generating a watermark signal for embedding in a multimedia signal, the method comprising the steps of: (a) generating two sequences of values, the second sequence being a circularly shifted version of the first sequence; and (b) generating a watermark signal by adding the values of the first sequence to the respective values in the corresponding positions of the second sequence. [See Veen on at least page 2, “watermark embedding”/See on page 2, column 2 “cyclically shifted version of the sequence...”)]
11. As per independent claims 24 and 27 Veen discloses a method of detecting a watermark signal embedded in a multimedia signal, the method comprising the steps of: (a) receiving a multimedia signal that may potentially be watermarked by a watermark signal modifying the temporal envelope of the host multimedia signal; (b) extracting an estimate of the watermark from said received signal; and (c) correlating the estimate of the watermark with a reference version of the watermark so as to determine whether the received signal is watermarked. [See Veen on at least page 3, under the title “Watermark detection”)]

Art Unit: 2132

12. As per dependent claims 10, 13, 18-20, 22 and 26, 28-31 Veen discloses  
a method of embedding and detecting a watermark signal as applied to  
claims above. Furthermore Veen discloses the method wherein said  
watermark signal has a payload that is encoded in the combination of  
said two sequences of values.[See page 1-3]

### *Allowable Subject Matter*

13. Claims 2-9, 12, 15-17 and 25 are objected to as being dependent upon a  
rejected base claim, but would be allowable if rewritten in independent  
form including all of the limitations of the base claim and any intervening  
claims.

### *Conclusion*

Any inquiry concerning this communication or earlier communications  
from the examiner should be directed to Samson B Lemma whose  
telephone number is 571-272-3806. The examiner can normally be  
reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the  
examiner's supervisor, BARRON JR GILBERTO can be reached on 571-  
272-3799. The fax phone number for the organization where this  
application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from  
the Patent Application Information Retrieval (PAIR) system.

06/10/2008

/Samson B Lemma/

Examiner, Art Unit 2132

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2132